

Senate Engrossed House Bill

**FILED**

**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 125

# **HOUSE BILL 2187**

AN ACT

AMENDING SECTIONS 32-1802 AND 32-1803, ARIZONA REVISED STATUTES; RELATING TO  
THE BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1802, Arizona Revised Statutes, is amended to  
3 read:

4 32-1802. Meetings; organization; compensation; committees

5 A. The board shall hold an annual meeting during the month of January  
6 each year in the Phoenix metropolitan area and may hold other meetings at  
7 times and places determined by a majority of the board on notice to each  
8 member and the general public pursuant to title 38, chapter 3, article 3.1.  
9 A majority of the members of the board constitutes a quorum, and a majority  
10 vote of a quorum present at any meeting governs all board actions.

11 B. At each annual meeting the board shall select from among its  
12 membership a president and vice-president who shall serve until their  
13 successors are chosen. If either of these offices becomes vacant before the  
14 annual meeting, the board may elect a replacement at any other board meeting.

15 C. Members of the board are eligible to receive compensation in the  
16 amount of two hundred fifty dollars for each day of actual service in the  
17 business of the board and reimbursement of all expenses necessarily and  
18 properly incurred in attending meetings of the board.

19 D. Board members, the executive director, permanent or temporary board  
20 personnel, board consultants, COMMITTEE MEMBERS and professional medical  
21 investigators are immune from civil liability for any act they do in good  
22 faith to implement this chapter.

23 E. TO CARRY OUT THE FUNCTIONS OF THE BOARD, THE BOARD PRESIDENT MAY  
24 ESTABLISH COMMITTEES AND DEFINE COMMITTEE DUTIES. THE PRESIDENT SHALL NAME  
25 AT LEAST ONE BOARD MEMBER TO EACH COMMITTEE THE PRESIDENT ESTABLISHES.

26 Sec. 2. Section 32-1803, Arizona Revised Statutes, is amended to read:

27 32-1803. Powers and duties

28 A. The board shall:

29 1. Protect the public from unlawful, incompetent, unqualified,  
30 impaired and unprofessional practitioners of osteopathic medicine.

31 2. Issue licenses, conduct hearings, place physicians on probation,  
32 revoke or suspend licenses, enter into stipulated orders, issue letters of  
33 concern or decrees of censure and administer and enforce this chapter.

34 3. Maintain a record of its acts and proceedings, including the  
35 issuance, denial, renewal, suspension or revocation of licenses to practice  
36 according to this chapter. The board shall delete records of complaints only  
37 as follows:

38 (a) If the board dismisses a complaint, the board shall delete the  
39 public record of the complaint five years after it dismissed the complaint.

40 (b) If the board has issued a letter of concern but has taken no  
41 further action on the complaint, the board shall delete the public record of  
42 the complaint five years after it issued the letter of concern.

1 (c) If the board has required additional continuing medical education  
2 pursuant to section 32-1855 but has not taken further action, the board shall  
3 delete the public record of the complaint five years after the person  
4 satisfies this requirement.

5 4. Maintain a public directory of all osteopathic physicians and  
6 surgeons who are or were licensed pursuant to this chapter that includes:

7 (a) The name of the physician.

8 (b) The physician's current or last known address of record.

9 (c) The date and number of the license issued to the physician  
10 pursuant to this chapter.

11 (d) The date the license is scheduled to expire if not renewed or the  
12 date the license expired or was revoked, suspended or canceled.

13 (e) Any disciplinary actions taken against the physician by the board.

14 (f) Letters of concern, remedial continuing medical education ordered  
15 and dismissals of complaints against the physician until deleted from the  
16 public record pursuant to paragraph 3 of this subsection.

17 (g) The number of malpractice claims paid by award or by settlement on  
18 behalf of the physician in the last ten years of practice in this state or in  
19 another state.

20 5. Adopt rules regarding the regulation and the qualifications of  
21 medical assistants.

22 6. Discipline and rehabilitate osteopathic physicians.

23 B. The public records of the board are open to inspection at all times  
24 during office hours.

25 C. The board may:

26 1. Adopt rules necessary or proper for the administration of this  
27 chapter.

28 2. Appoint one of its members to the jurisdiction arbitration panel  
29 pursuant to section 32-2907, subsection B.

30 3. Accept and spend federal monies and private grants, gifts,  
31 contributions and devises. These monies do not revert to the state general  
32 fund at the end of a fiscal year.

33 4. DEVELOP AND PUBLISH ADVISORY OPINIONS AND STANDARDS GOVERNING THE  
34 PROFESSION.

35 D. The board shall adopt and use a seal, the imprint of which,  
36 together with the signature of either the president, vice-president or  
37 executive director, is evidence of its official acts.

38 E. In conducting investigations pursuant to this chapter the board may  
39 receive and review confidential internal staff reports relating to complaints  
40 and malpractice claims.

41 F. The board may make available to academic and research organizations  
42 public records regarding statistical information on doctors of osteopathic  
43 medicine and applicants for licensure.

1       Sec. 3. Arizona board of osteopathic examiners in medicine and  
2       surgery; licensure renewal

3       Notwithstanding section 32-1825, Arizona Revised Statutes, the Arizona  
4       board of osteopathic examiners in medicine and surgery may require selected  
5       licensees whose renewal date is January 1, 2012 to renew for a one-year  
6       period, after which the selected licensees shall resume renewing every other  
7       year. The board shall prorate the license renewal fee for the selected  
8       licensees accordingly.

APPROVED BY THE GOVERNOR APRIL 23, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2010.